

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

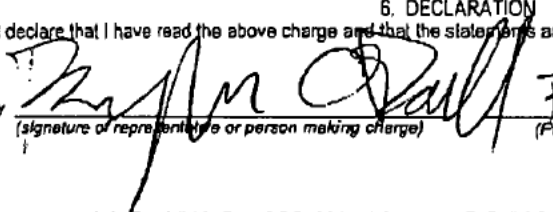
FOI EXEMPT UNDER 44 U.S.C. 5512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
05-CA-131908	06/30/14

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer McDonald's of Air and Space Museum	b. Tel. No. 240-497-3600
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 6th Street & Independence Ave Washington, DC 20580	e. Employer Representative (b) (6), (b) (7)(C)
	g. e-Mail
	h. Number of workers employed 00 at this location
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The above-named employer, by its officers, agents and supervisors, has discriminated and retaliated against its employee (b) (6), (b) (7)(C) because of (b) (6) participation in protected activities and in order to discourage activity protected by Section 7 of the Act by, among other things, the following acts and conduct: 1. Assigning unreasonable amounts of work to (b) (6), (b) (7)(C) since approximately (b) (6), (b) (7)(C) 2014; 2. Issuing a disciplinary notice to (b) (6), (b) (7)(C) on or around (b) (6), (b) (7)(C) 2014; 3. Suspending (b) (6), (b) (7)(C) on or around (b) (6), (b) (7)(C) 2014; 4. Reducing (b) (6), (b) (7)(C) working hours by refusing on or around (b) (6), (b) (7)(C) to schedule (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) usual summer schedule. (Continued, See attachment.)	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Good Jobs Nation	
4a. Address (Street and number, city, state, and ZIP code) 1900 L Street, NW, Ste 900 Washington DC, 20036	4b. Tel. No. 202-721-0660
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No. 202-721-0661
	4e. e-Mail ben.o'donnell@changetowin.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) n/a	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  BENJAMIN O'DONNELL (signature of representative or person making charge) (Print/type name and title or office, if any) 1900 L St. NW, Ste 900, Washington, DC 20036 Address (date) 6/26/2014	
Tel. No. 847-710-7399	
Office, if any, Cell No.	
Fax No. 202-721-0661	
e-Mail ben.o'donnell@changetowin.org	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form Part 2, Continued:

The above-named employer, by its officers, agents and supervisors, on or around June 8, 2014 has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed by Section 7 of the Act by, among other things telling an employee that employees should not be engaging in protected activities, that the protected activities were "stupid" and that employees who engaged in them would "get into trouble."

NATIONAL LABOR
RELATIONS BOARD

2014 JUN 30 AM 11:51

REGION 5
BALTIMORE MD 21202-4001

(b) (6), (b) (7)(C)

CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No.: 05-CA 131908		CASE NAME: McDonald's of Air and Space Museum	
DATE FILED: 6/30/14		CATEGORY: <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III	
Potential 10(j) NO	8(a)(2) (indicated name of union):	# discriminatees 8(a)(3):	# of Employees (if not currently on charge) 100
IO charge? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		Dispute City: Washington	
		Dispute State: DC	
HOT TOPIC? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/> Fast Food		Barg Status: <input type="checkbox"/> Existing Contract <input checked="" type="checkbox"/> None <input type="checkbox"/> Organizational Campaign <input type="checkbox"/> Seeking Initial Contract <input type="checkbox"/> Seeking Successor Contract	
COMMENTS: Charge is 2 Pages			
SUPERVISOR: MBK		AGENT: Rosenberg	
8(a)(1) <input type="checkbox"/> Coercive Actions (Surveillance, etc) <input type="checkbox"/> Coercive Rules <input checked="" type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) <input checked="" type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet) <input type="checkbox"/> Interrogation (including Polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten		8(a)(4) <input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (including Layoff and Refusal to Hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Employee/Striker <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work	
8(a)(2) <input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition		8(a)(5) <input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Recognize <input type="checkbox"/> Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes <input type="checkbox"/> Shutdown or Relocate (e.g. First National Maintenance).Subcontract Work	
8(a)(3) <input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (Including Layoff and Refusal to Hire (not salting)) <input type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only) <input type="checkbox"/> Refusal to Reinstate Employee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions		8(e) <input type="checkbox"/> All Allegations against a Labor Organization <input type="checkbox"/> All Allegations against an Employer	

proofed by: DGS
07/02/2014 9:30 am



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, SUITE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198



Download
NLRB
Mobile App

July 2, 2014

(b) (6), (b) (7)(C)

McDonald's of Air and Space Museum
6th St. and Independence Ave.
Washington, DC 20560-0001

Re: McDonald's of Air and Space Museum
Case 05-CA-131908

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Joshua D. Rosenberg whose telephone number is (202) 208-3053. The mailing address is 1099 14th St., N.W., Suite 6300, Washington, DC 20570-0001. If Joshua D. Rosenberg is not available, you may contact Resident Officer Mark B. Kalaris whose telephone number is (202) 208-3076.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.


We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Charles L. Posner
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's of Air and Space Museum

CASE NUMBER

05-CA-131908

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)**YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (**Check the largest amount**)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S OF AIR AND SPACE MUSEUM

Charged Party

and

GOOD JOBS NATION

Charging Party

Case 05-CA-131908

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 2, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

McDonald's of Air and Space Museum
6th St. and Independence Ave.
Washington, DC 20560-0001

July 2, 2014

Date

Andrew Giannasi, Designated Agent of NLRB

Name

/s/ Andrew Giannasi

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, SUITE 600
BALTIMORE, MD 21201

Agency Website: www.nlr.gov
Telephone: (410)962-2822
Fax: (410)962-2198



Download
NLRB
Mobile App

July 2, 2014

Mr. Benjamin O'Donnell
Good Jobs Nation
1900 L St., N.W., Ste. 900
Washington, DC 20036

Re: McDonald's of Air and Space Museum
Case 05-CA-131908

Dear Mr. O'Donnell:

The charge that you filed in this case on June 30, 2014 has been docketed as case number 05-CA-131908. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Joshua D. Rosenberg whose telephone number is (202) 208-3053. The mailing address is 1099 14th St., N.W., Suite 6300, Washington, DC 20570-0001. If Joshua D. Rosenberg is not available, you may contact Resident Officer Mark B. Kalaris whose telephone number is (202) 208-3076.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

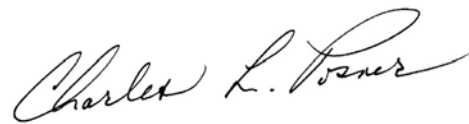
July 2, 2014

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is written in a cursive, flowing style.

Charles L. Posner
Regional Director

Enclosure: Copy of Charge

From: [Rosenberg, Joshua D.](#)
To: ["ben.o'donnell@changetowin.org"](mailto:ben.o'donnell@changetowin.org)
Subject: NLRB Appointment Confirmation McDonald's of Air and Space Museum, Case 05-CA-131908
Date: Wednesday, July 2, 2014 1:05:02 PM
Attachments: [image001.jpg](#)
[LTR.05-CA-131908.NLRB Appointment Confirmation \[REDACTED\] pdf](#)

Dear Mr. O'Donnell,

Please see the attached appointment confirmation. If possible, please provide me with relevant documentary evidence, as described in page 3 of the attached, prior to the appointment.

Regards,

Josh Rosenberg

Board Agent, Region 5
[National Labor Relations Board](#)
Washington, D.C. Resident Office
(202) 208-3053





United States Government

NATIONAL LABOR RELATIONS BOARD

1099 14th Street NW, Suite 6300

Washington, DC 20570

Joshua Rosenberg

Telephone: (202) 273-3053

Facsimile: (202) 208-3013

July 2, 2014

VIA EMAIL

Benjamin O'Donnell

Good Jobs Nation

1900 L St., N.W., Ste 900

Washington, DC 20036

ben.o'donnell@changetowin.org

Re: McDonald's of Air and Space
Museum, Case 05-CA-131908

Dear Mr. O'Donnell:

Pursuant to our conversation today, an appointment has been scheduled for your witness, (b) (6), (b) (7)(C) to appear at the Washington Resident Office for the purpose of taking a statement and receiving evidence pertaining to the above-captioned case. The appointment is scheduled for:

(b) (6), (b) (7)(C)

Our office is located at 1099 14th Street NW, Washington, DC 20570 in the Franklin Court Building. When you arrive at the building for the affidavit, you should check in with the center guard station. You will need to present the guard with a valid form of picture identification in order to complete the check-in process and receive a visitor's badge. Once you are checked in, you should have the guard on duty call (202) 208-3000 so that you may be escorted up to our suite.

Attached is other information you should review prior to the appointment. Please provide any documents relevant to the case before the affidavit appointment, *preferably by email*.

If your witnesses cannot appear for the interview, or if the date or time scheduled above is inconvenient, please notify me as soon as possible so that another appointment may be scheduled for a date and time more convenient for you. If your witness fails to appear as scheduled, this office will assume you are not interested in proceeding with this matter and do not intend to cooperate. That may result in the dismissal of your charge. **The deadline for your evidence is July 14, 2014.**

Do not hesitate to contact me if you have any questions. My direct dial is (202) 208-3053. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to be 'JR' with a long horizontal stroke extending to the right.

Joshua Rosenberg
Board Agent

INFORMATION FOR WITNESSES

Arrive On Time:

Please be prompt for your appointment. If you are running late, please call your Board agent. If you do not have his phone number, please call our receptionist at (202) 208-3000.

Parking:

A small number of metered street spaces are available nearby. The NLRB does not pay for parking. We also are easily accessible via public transportation. The nearest metro stop to our location is McPherson Square, on the Blue and Orange Lines.

What to Expect:

You will meet privately with a Board agent. The Board agent will interview you concerning the allegations in the charge, giving you full opportunity to explain. The Board agent will prepare a written affidavit (sworn statement) for your signature.

In most cases, expect your interview to take 4 to 6 hours.

Bring With You:

- **All discipline received by (b) (6), (b) (7)(C) including but not limited to what (b) (6), (b) (7)(C) received on (b) (6), (b) (7)(C), 2014**
- **A description of (b) (6), (b) (7)(C) job duties**
- **A record of (b) (6), (b) (7)(C) work schedule since (b) (6), (b) (7)(C) began the job**
- **(b) (6), (b) (7)(C) pay stubs**
- **All communications written between the Charging Party and the Employer that are relevant to the allegations**
- **All relevant employee handbooks**
- **Any calendar, diary, notes, or other documents with information relevant to the charge, including if applicable copies of disciplines, warnings, or termination**
- **Names, addresses, e-mail addresses, and phone numbers of other people who have information relevant to the charge**

General Information:

General information about the NLRB and the National Labor Relations Act, including our customer service standards, can be found on our website, www.nlr.gov.

From: Ben O'Donnell
To: Rosenberg, Joshua D.
Subject: RE: NLRB Appointment Confirmation McDonald's of Air and Space Museum, Case 05-CA-131908
Date: Wednesday, July 2, 2014 4:01:48 PM
Attachments: Exhibit A - Strike Notice (b) (6), (b) (7)(C) 2013.jpg
Exhibit B - Notice Delivery (b) (6), (b) (7)(C) 2013.jpg
Exhibit C - Strike Notice (b) (6), (b) (7)(C) 2013.jpg
Exhibit D - Notice Delivery (b) (6), (b) (7)(C) 2013.jpg
Exhibit E - Strike Notice (b) (6), (b) (7)(C) 2013.jpg
Exhibit F - Notice Delivery (b) (6), (b) (7)(C) 2013.jpg
Exhibit G - Strike Notice (b) (6), (b) (7)(C) 2013.jpeg
Exhibit H - Notice Delivery (b) (6), (b) (7)(C) 2013.jpg

Dear Mr. Rosenberg,

Attached are exhibits which prove that McDonald's was on notice of (b) (6), (b) (7)(C) participation in (b) (6), (b) (7)(C) strikes on (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013 and (b) (6), (b) (7)(C) 2013. This is the only relevant documentary evidence I currently have in my possession. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) supervisor for a copy of the disciplinary notices placed in (b) (6), (b) (7)(C) personnel file at the time that they were issued but (b) (6), (b) (7)(C) supervisor refused to provide (b) (6), (b) (7)(C) a copy. (b) (6), (b) (7)(C) also did not keep copies of (b) (6), (b) (7)(C) pay stubs to prove (b) (6), (b) (7)(C) hours over the past (b) (6), (b) (7)(C), but we can locate witnesses who will attest to the fact that (b) (6), (b) (7)(C) worked (b) (6), (b) (7)(C) per week during the (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C).

Thank you,
-Ben O'Donnell
Good Jobs Nation
1900 L St. NW Suite 900
Washington, DC 20036
847.710.7399

Attachments:
Exhibit A: Strike Notice (b) (6), (b) (7)(C) 2013
Exhibit B: Notice Delivery (b) (6), (b) (7)(C) 2013
Exhibit C: Strike Notice (b) (6), (b) (7)(C) 2013
Exhibit D: Notice Delivery (b) (6), (b) (7)(C) 2013
Exhibit E: Strike Notice (b) (6), (b) (7)(C) 2013
Exhibit F: Notice Delivery (b) (6), (b) (7)(C) 2013
Exhibit G: Strike Notice (b) (6), (b) (7)(C) 2013
Exhibit H: Notice Delivery (b) (6), (b) (7)(C) 2013

From: Rosenberg, Joshua D. [Joshua.Rosenberg@nlrb.gov]
Sent: Wednesday, July 02, 2014 1:04 PM
To: Ben O'Donnell
Subject: NLRB Appointment Confirmation McDonald's of Air and Space Museum, Case 05-CA-131908

Dear Mr. O'Donnell,

Please see the attached appointment confirmation. If possible, please provide me with relevant documentary evidence, as described in page 3 of the attached, prior to the appointment.

Regards,

Josh Rosenberg
Board Agent, Region 5
National Labor Relations Board <<http://www.nlrb.gov>>
Washington, D.C. Resident Office
(202) 208-3053
[cid:image001.jpg@01CF95F6.2F1FCB60]

<http://upload.wikimedia.org/wikipedia/commons/b/be/National_Labor_Relations_Board_logo_-_color.jpg>

STAPLES

GOOD JOBS NATION

1629 K Street NW
Washington, DC 20006

Delivered by Hand

Store Name and Address:

McDonalds - Smithsonian Air and Space Museum
600 Independence Avenue, SW
Washington, DC 20560
(b) (6), (b) (7)(C), 2013

To: The management and ownership of this business
From: Your employees

This is to notify you that as of (b) (6), (b) (7)(C) 2013, we are going ON STRIKE to demand better wages and benefits, and to insist on respect for our right to join together to improve our employment conditions without fear of intimidation or reprisals.

This is a lawful, peaceful strike. Federal law prohibits you from firing, discriminating, or retaliating against us for joining together to improve our jobs and for mutual aid and protection.

We are sick and tired of working hard for poverty-level wages that do not allow us to afford decent housing, provide for our families and take care of our health and other basic needs.

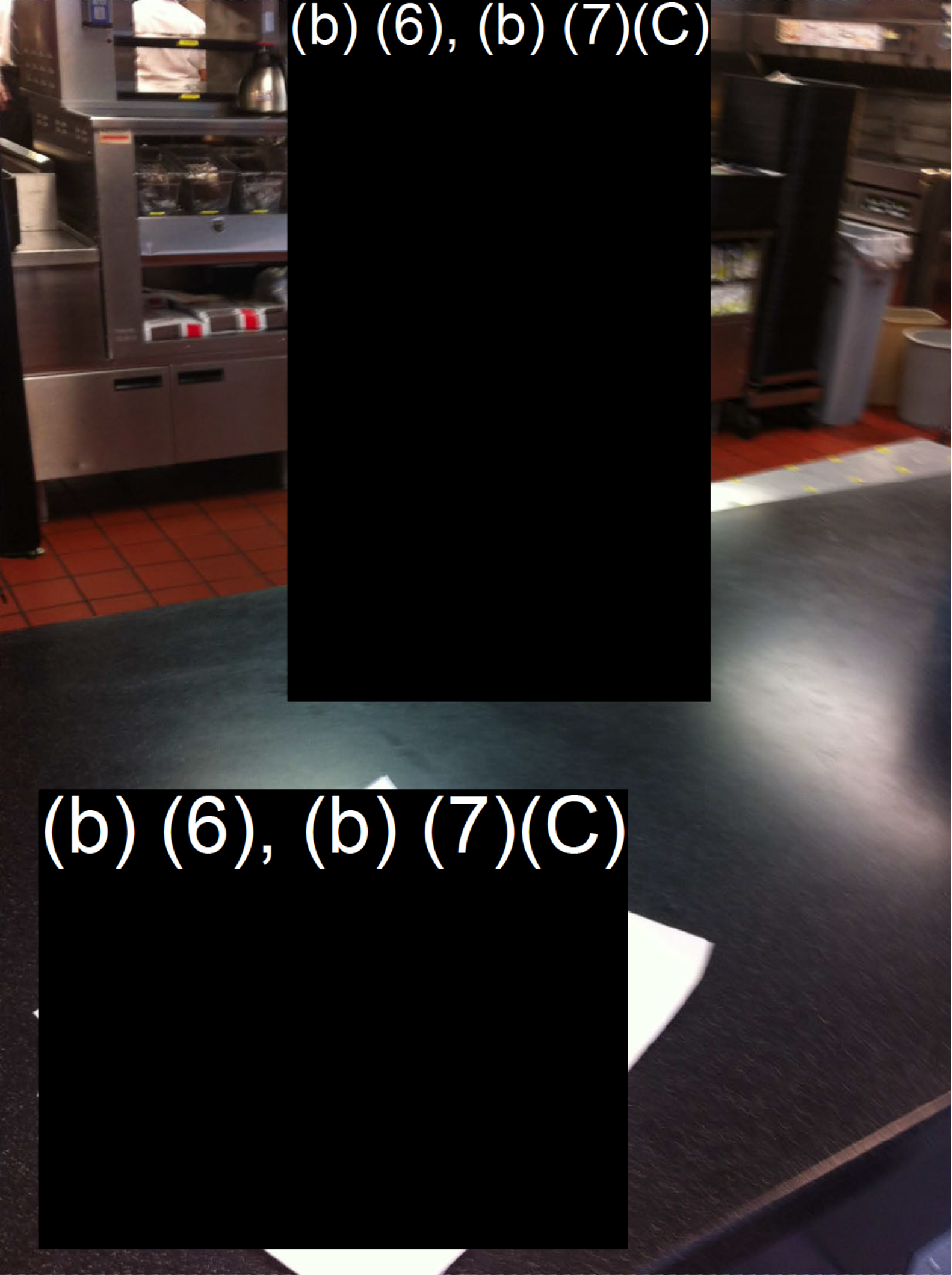
Name

Signature

(b) (6), (b) (7)(C)

Strike Sign In For Test

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

JOBS NATION!

★★★ WORKERS DEMAND RESPECT
AND FAIRNESS THROUGH THE
POWER OF JOINT ACTION
★★★ THE STRIKE MOVEMENT FIGHTS FOR THE
MIDDLE CLASS AND AGAINST CORPORATE
GREED
REBUILD THE AMERICAN DREAM

GOOD JOBS NATION

1625 K Street NW, Ste 300

Washington, DC 20006

Delivered by Hand

McDonalds, Air and Space Museum

(b) (6), (b) (7)(C)

2013

To: The management and ownership of this business
From: Your employees

This is to notify you that as of (b) (6), (b) (7)(C) 2013, we are going ON STRIKE to demand better wages and benefits, and to insist on an end to illegal retaliation and intimidation against us for joining together to improve our employment conditions.

This is a lawful, peaceful strike. Federal law prohibits you from firing, discriminating, or retaliating against us for joining together to improve our jobs and for mutual aid and protection.

We are sick and tired of working hard for poverty-level wages that do not allow us to afford decent housing, provide for our families and take care of our health and other basic needs.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



GOOD JOBS NATION
★★★
★★★
★★★
REBUILD THE AMERICAN DREAM

GOOD JOBS NATION

1629 K Street NW, Ste 300

Washington, DC 20006

DELIVERED BY HAND

TO: McDonald's - Air & Space Museum

DATE: (b) (6), (b) (7)(C) /13

TO: The management and ownership of this business

FROM: Your employees

(b) (6), (b) (7)(C)

This is to notify you that on (b) (6), (b) (7)(C) 2013, we are going ON STRIKE to demand better wages and benefits, and to insist that our legal right to join together to improve our employment conditions is respected.

This is a lawful, peaceful, (b) (6), (b) (7)(C) strike. We will RETURN TO WORK unconditionally for our next scheduled shift starting after 12.01 am on (b) (6), (b) (7)(C) 2013. Federal law prohibits you from firing, discriminating, or retaliating against us for joining together to improve our jobs and for mutual aid and protection.

We are sick and tired of working hard for poverty-level wages that do not allow us to afford decent housing, provide for our families and take care of our health and other basic needs.

Print Name

Signature

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



1825 K Street NW, Ste 200

Washington, DC 20006

Delivered by Hand

McDonald's, Air and Space Museum

(b) (6), (b) (7)(C) 013

To: The management and ownership of this business
From: Your employees

This is to notify you that as of (b) (6), (b) (7)(C) 013, we are going ON STRIKE to demand better wages and benefits, and to insist on an end to illegal retaliation and intimidation against us for joining together to improve our employment conditions.

This is a lawful, peaceful (b) (6), (b) (7)(C) strike. We will RETURN TO WORK unconditionally for our next scheduled shift starting after 12:01 am on (b) (6), (b) (7)(C) 2013.

We are sick and tired of working hard for poverty-level wages that do not allow us to afford decent housing, provide for our families and take care of our health and other basic needs.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

GOOD JOBS NATION!



TO: McDonald's Human Resources; Management Air and Space Museum

FROM: Your employees

DATE: (b) (6), (b) (7)(C) 2014

RE: Illegal Retaliation Against (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 2014

We the undersigned are employees at the Air & Space Museum restaurant. We work hard every day to serve to your customers. For over a year now we have been campaigning with Good Jobs Nation for better wages, proper benefits and respect on the job.

We are writing to demand an end to management's illegal retaliation against our coworker, and Good Jobs Nation supporter, (b) (6), (b) (7)(C). Management is refusing to give (b) (6), (b) (7)(C) the usual hours (b) (6) works (b) (6), (b) (7)(C), after falsely accusing (b) (6), (b) (7)(C) of a minor infraction of work rules. This action is a flagrant violation of (b) (6), (b) (7)(C) rights under federal labor law.

Management must restore (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) normal (b) (6), (b) (7)(C) schedule immediately, compensate (b) (6), (b) (7)(C) the wages (b) (6), (b) (7)(C) has already lost, and remove the false discipline from (b) (6), (b) (7)(C) files.

McDonald's Corporation's illegal retaliation against its workers must STOP!

Name

Signature

(b) (6), (b) (7)(C)

GOOD JOBS NATION!



REBUILD THE AMERICAN DREAM

TO: McDonald's Human Resources; Management Air and Space Museum

FROM: Your employees

DATE: (b) (6), (b) (7)(C) 2014

RE: Illegal Retaliation Against (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 2014

We the undersigned are employees at the Air & Space Museum restaurant. We work hard every day to serve to your customers. For over a year now we have been campaigning with Good Jobs Nation for better wages, proper benefits and respect on the job.

We are writing to demand an end to management's illegal retaliation against our coworker, and Good Jobs Nation supporter, (b) (6), (b) (7)(C). Management is refusing to give (b) (6), (b) (7)(C) the usual hours (b) (6) works (b) (6), (b) (7)(C), after falsely accusing (b) (6), (b) (7)(C) of a minor infraction of work rules. This action is a flagrant violation of (b) (6) rights under federal labor law.

Management must restore (b) (6), (b) (7)(C) to (b) (6) normal (b) (6), (b) (7)(C) schedule immediately, compensate (b) (6), (b) (7)(C) the wages (b) (6) has already lost, and remove the false discipline from (b) (6) files.

McDonald's Corporation's illegal retaliation against its workers must STOP!

Name

Signature

(b) (6), (b) (7)(C)

GOOD JOBS NATION!



TO: McDonald's Human Resources; Management Air and Space Museum
FROM: Your employees
DATE: (b) (6), (b) (7)(C) 2014
RE: Illegal Retaliation Against (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) 2014

We the undersigned are employees at the Air & Space Museum restaurant. We work hard every day to serve to your customers. For over a year now we have been campaigning with Good Jobs Nation for better wages, proper benefits and respect on the job.

We are writing to demand an end to management's illegal retaliation against our coworker, and Good Jobs Nation supporter, (b) (6), (b) (7)(C). Management is refusing to give (b) (6), (b) (7)(C) the usual hours (b) (6) works (b) (6), (b) (7)(C), after falsely accusing (b) (6), (b) (7)(C) of a minor infraction of work rules. This action is a flagrant violation of (b) (6) rights under federal labor law.

Management must restore (b) (6), (b) (7)(C) (b) (6) normal (b) (6), (b) (7)(C) schedule immediately, compensate (b) (6), (b) (7)(C) the wages (b) (6) has already lost, and remove the false discipline from (b) (6) files.

McDonald's Corporation's illegal retaliation against its workers must STOP!

Name

Signature

(b) (6), (b) (7)(C)

From: Ben O'Donnell
To: Rosenberg, Joshua D.
Subject: RE: Reminder for NLRB Appointment Confirmation McDonald's of Air and Space Museum, Case 05-CA-131908
Date: Monday, July 7, 2014 10:10:22 AM

Confirmed

From: Rosenberg, Joshua D. [Joshua.Rosenberg@nlrb.gov]
Sent: Monday, July 07, 2014 8:44 AM
To: Ben O'Donnell
Cc: (b) (6), (b) (7)(C)
Subject: Reminder for NLRB Appointment Confirmation McDonald's of Air and Space Museum, Case 05-CA-131908

Dear Mr. O'Donnell,

This message is to remind you of (b) (6), (b) (7)(C) appointment (b) (6), (b) (7)(C) in which the goal is to complete (b) (6) affidavit. Please reply to this email to confirm.

Regards,

Josh Rosenberg
Board Agent, Region 5
National Labor Relations Board <<http://www.nlrb.gov>>
Washington, D.C. Resident Office
(202) 208-3053
[cid:image002.jpg@01CF99BF.CA62A760]
<http://upload.wikimedia.org/wikipedia/commons/b/be/National_Labor_Relations_Board_logo_-_color.jpg>
From: Rosenberg, Joshua D.
Sent: Wednesday, July 02, 2014 1:05 PM
To: 'ben.o'donnell@changetowin.org'
Subject: NLRB Appointment Confirmation McDonald's of Air and Space Museum, Case 05-CA-131908

Dear Mr. O'Donnell,

Please see the attached appointment confirmation. If possible, please provide me with relevant documentary evidence, as described in page 3 of the attached, prior to the appointment.

Regards,

Josh Rosenberg
Board Agent, Region 5
National Labor Relations Board <<http://www.nlrb.gov>>
Washington, D.C. Resident Office
(202) 208-3053
[cid:image003.jpg@01CF99BF.CA62A760]
<http://upload.wikimedia.org/wikipedia/commons/b/be/National_Labor_Relations_Board_logo_-_color.jpg>

From: [Ben O'Donnell](#)
To: [Rosenberg, Joshua D.](#)
Subject: (b) (6), (b) (7)(C) disciplinary action and further evidence of manager awareness of concerted activity
Date: Tuesday, July 8, 2014 4:26:44 PM
Attachments: [Exhibit 1 - Managers monitoring Metro station.MOV](#)
[Exhibit 2 - Managers monitoring rally preparations.jpg](#)
[Exhibit 3 - Managers monitoring rally.jpg](#)

Dear Mr. Rosenberg,

Here is the information you requested after finishing (b) (6), (b) (7)(C) affidavit (b) (6), (b) (7)(C).

1. The disciplinary action relating to (b) (6), (b) (7)(C) conduct on (b) (6), (b) (7)(C).

We must have miscommunicated because I thought you said that you and (b) (6), (b) (7)(C) didn't cover this topic, but in fact the Affidavit contains a detailed description of the circumstances surrounding this disciplinary action. My understanding from my intake interview with (b) (6), (b) (7)(C) is that (b) (6) was assigned to work the (b) (6), (b) (7)(C) alone during the busiest part of the day which is usually a two person job. Workers that hadn't struck were not given such strenuous tasks. Then, on a subsequent work day, (b) (6) was disciplined for (b) (6), (b) (7)(C) (I presume insubordination) to (b) (6), (b) (7)(C). Since (b) (6), (b) (7)(C) said nothing inflammatory to (b) (6), I believe that (b) (6) was in fact objecting to (b) (6) confronting (b) (6) for assigning (b) (6), (b) (7)(C) a task that couldn't reasonably be performed by one person during a busy period.

2. Evidence that (b) (6), (b) (7)(C) observed employees at the rally outside the Air and Space Museum on (b) (6), (b) (7)(C), 2014.

I have attached 2 photographs and 1 video file evidencing that (b) (6), (b) (7)(C) observed employees at the rally. I can arrange for (b) (6), (b) (7)(C) who took the photos and video, to speak with you and authenticate them if you like. More specifically, Exhibit 1 shows (b) (6), (b) (7)(C) surveilling the exit to the L'Enfant Plaza Metro stop for employees coming to the rally; Exhibit 2 shows (b) (6), (b) (7)(C) surveilling the preparation for the rally in a park across the street from the Air and Space Museum; Exhibit 3 shows (b) (6), (b) (7)(C) surveilling the rally action itself, on the steps of the Air and Space Museum.

Please let me know if these speak to your questions.

-Ben O'Donnell

(b) (6), (b) (7)(C)





From: Ben O'Donnell
To: Rosenberg, Joshua D.
Subject: RE: Further details and witnesses in the charge against McDonald's of the Air and Space Museum
Date: Thursday, July 24, 2014 1:06:44 PM

Hi Mr. Rosenberg,

Do you want to take an affidavit from (b) (6), (b) (7)(C)? If so, I can facilitate setting up that appointment. Additionally, when is an appropriate time to submit a position statement on behalf of Good Jobs Nation & (b) (6), (b) (7)(C)?

Thanks,
-Ben

From: Ben O'Donnell
Sent: Thursday, July 17, 2014 4:51 PM
To: Joshua.Rosenberg@nlrb.gov
Subject: RE: Further details and witnesses in the charge against McDonald's of the Air and Space Museum

Hi Mr. Rosenberg,

I'm responding to your phone call a moment ago with the details mentioned in my last email.

1. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) worked at McDonald's along side (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) can corroborate that (b) (6), (b) (7)(C) did in fact work full time (or near to it) during the (b) (6), (b) (7)(C) worked (b) (6), (b) (7)(C) a week and (b) (6), (b) (7)(C) was always working as well. Further, (b) (6), (b) (7)(C) corroborated (b) (6), (b) (7)(C) assertion that the (b) (6), (b) (7)(C) is a two person job. (b) (6), (b) (7)(C) was astonished when I asked (b) (6), (b) (7)(C) if people ever worked that station alone and told me (b) (6), (b) (7)(C) would have refused if a manager ordered (b) (6), (b) (7)(C) to do so. It is simply too much work. Finally, (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C), regularly refused to accommodate schedule requests for people (b) (6), (b) (7)(C) associated with Good Jobs Nation. In fact, (b) (6), (b) (7)(C) was forced to quit McDonald's last week because (b) (6), (b) (7)(C) repeatedly insisted that (b) (6), (b) (7)(C) had to show up on (b) (6), (b) (7)(C) despite (b) (6), (b) (7)(C) knowledge that this conflicted with (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) is generally available on (b) (6), (b) (7)(C) which are (b) (6), (b) (7)(C) days off, although (b) (6), (b) (7)(C) is unavailable (b) (6), (b) (7)(C).

2. Factual corrections to the affidavit

After reviewing the affidavit, I believe the only correction I can assert right now is that the demonstration mentioned on p. 13 was on (b) (6), (b) (7)(C). This can be confirmed by a Washington Post article from the same day mentioning it: <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/06/12/demonstrators-to-demand-minimum-wage-hike-for-federally-contracted-workers/>. Since this is after the ULPs in any case I don't think that the date correction should affect your analysis.

I also think that it should be added that (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that the reason (b) (6), (b) (7)(C) was denying the request for more hours was on account of the challenged disciplinary actions. However, (b) (6), (b) (7)(C) is at (b) (6), (b) (7)(C) so I can't contact (b) (6), (b) (7)(C) to affirm this.

-Ben O'Donnell

From: Ben O'Donnell

Sent: Thursday, July 17, 2014 3:19 PM

To: Joshua.Rosenberg@nlrb.gov<<mailto:Joshua.Rosenberg@nlrb.gov>>

Subject: Further details and witnesses in the charge against McDonald's of the Air and Space Museum

Hi Mr. Rosenberg,

I apologize for the delay in responding to your phone call from last Wednesday. I was out of town until Sunday and have been working to gather more evidence this week. I have spoken with one of (b) (6), (b) (7)(C) —who can corroborate parts of (b) (6) affidavit. I am attempting to contact (b) (6), (b) (7)(C) —who (b) (6), (b) (7)(C) believes witnessed some of the conduct (b) (6), (b) (7)(C) complained of but (b) (6) hasn't answered (b) (6) phone.

(b) (6), (b) (7)(C) has contacted (b) (6) bank to get copies of statements from (b) (6), (b) (7)(C) in order to document the fact that (b) (6) was working (b) (6), (b) (7)(C), but the bank told (b) (6), (b) (7)(C) it would take up to 10 days to get the documents. (b) (6) made the request yesterday (July 16).

Finally, there are some details in the affidavit that I think should be corrected or clarified for factual accuracy. I have a list prepared that I can send you.

Would you prefer that I send you details on the testimony of (b) (6), (b) (7)(C) and the details to be corrected in the affidavit now and then supplement it with whatever I might find out from (b) (6), (b) (7)(C) later? Or would you prefer that I wait until I have the bank records and have contacted (b) (6), (b) (7)(C) to send you all of this at once?

Sincerely,

-Ben O'Donnell

From: [Rosenberg, Joshua D.](#)
To: ["Ben O'Donnell"](#)
Subject: RE: Witness Availability; (b) (6), (b) (7)(C)
Date: Monday, July 28, 2014 1:05:00 PM

Thanks for the update, (b) (6), (b) (7)(C). This will confirm (b) (6), (b) (7)(C) appointment for (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), 2014. I will pencil (b) (6), (b) (7)(C) in for (b) (6), (b) (7)(C), 2014 at (b) (6), (b) (7)(C) .. but that slot will not be confirmed until I hear back from you.

Regards,

Josh Rosenberg
Board Agent, Region 5
National Labor Relations Board
Washington, D.C. Resident Office
(202) 208-3053

-----Original Message-----

From: Ben O'Donnell [<mailto:Ben.O'Donnell@changetowin.org>]
Sent: Monday, July 28, 2014 12:22 PM
To: Rosenberg, Joshua D.
Subject: Witness Availability: (b) (6), (b) (7)(C)

Hi Josh,

So I've spoken with (b) (6), (b) (7)(C), the witness for the charge involving (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) available on (b) (6), (b) (7)(C) and possibly later, but (b) (6), (b) (7)(C) has (b) (6), (b) (7)(C). Does that time work for you? (b) (6), (b) (7)(C) may also be willing to come in (b) (6), (b) (7)(C) if necessary-- (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) is much better for (b) (6), (b) (7)(C) than (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

I'm still working on getting (b) (6), (b) (7)(C) availability, but it sounds like (b) (6), (b) (7)(C) will work better for (b) (6), (b) (7)(C) than (b) (6), (b) (7)(C)

-Ben

From: [Ben O'Donnell](#)
To: [Rosenberg, Joshua D.](#)
Subject: (b) (6), (b) (7)(C) Case
Date: Friday, August 15, 2014 10:40:11 AM

Hi Josh,

Last time we spoke you said you would get me information regarding McDonald's defense in the case of (b) (6), (b) (7)(C) when you returned on August 14. Please let me know what assertions I should be responding to so I can produce a reply. You mentioned that it was time sensitive so I'd like to know what I'm replying to a.s.a.p.

Thanks,
-Ben O'Donnell



**UNITED STATES GOVERNMENT
National Labor Relations Board**

Memorandum

To: File

From: Joshua Rosenberg
Field Examiner

Date: August 15, 2014

Subject: McDonald's of Air and Space Museum
Case 05-CA-131908

(b) (6), (b) (7)(C) REBUTTAL CONVERSATION

(b) (6), (b) (7)(C) I called (b) (6), (b) (7)(C) the Charging Party discriminatee, to relay some of the Employer's claims to (b) (6), (b) (7)(C) and provide an opportunity for rebuttal. Below is a summary of the questions I asked, along with (b) (6), (b) (7)(C) answers. In parentheses I note the section of the Employer's position statement from which the given question is derived.

(b) (5), (b) (6), (b) (7)(C)

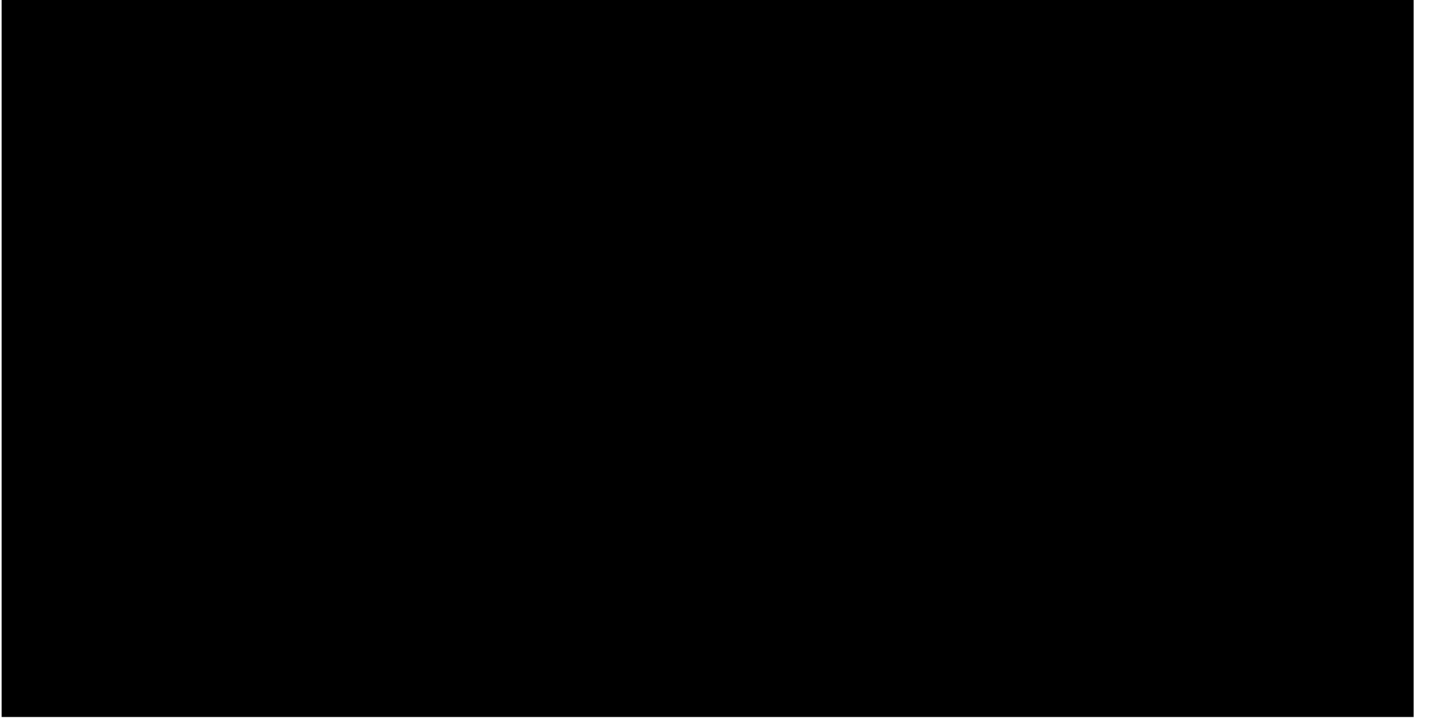
(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)



(b) (5), (b) (6), (b) (7)(C)



From: [Ben O'Donnell](#)
To: [Rosenberg, Joshua D.](#)
Subject: Position Statement for Case 05-CA-131908
Date: Thursday, August 21, 2014 6:16:21 PM
Attachments: [Good Jobs Nation Position Statement - \(b\) \(6\), \(b\) \(7\)\(C\) pdf](#)

Hi Josh,

Please find Good Jobs Nation's position statement for this case attached.

-Ben

By email

Joshua Rosenberg, Board Agent
National Labor Relations Board, Region 5
Washington, D.C. Resident Office
1099 14th St, NW, Suite 6300
Washington, DC 20570
(202) 208-3053
joshua.rosenberg@nrlb.gov

**Re: McDonald's of Air and Space Museum
05-CA-131908**

Dear Mr. Rosenberg:

This Position Statement is submitted by Charging Party, Good Jobs Nation (GJN), in support of the above Unfair Labor Practice charge alleging that McDonald's of Air and Space Museum (Employer, or McDonald's) violated Section 8(a)(1) of the National Labor Relations Act, by various conduct, including discrimination against Section 7 activity of its employees, and requesting injunctive relief pursuant to Section 10(j) of the Act.

I. SUMMARY OF RELEVANT FACTS

(b) (6), (b) (7)(C) is an industrious and dependable employee and an active and public supporter of Good Jobs Nation. Good Jobs Nation is a campaign of protected, concerted activity to improve wages and working conditions for low-wage service workers employed by private contractors at federal buildings and facilities. (b) (6), (b) (7)(C) openly and at times in the presence of (b) (6), (b) (7)(C) supervisor participated in Good Jobs Nation campaign activities including demonstrating at rallies, signing petitions addressed to President Obama, appearing on (b) (6), (b) (7)(C) in support of the Good Jobs Nation campaign, and engaging in a series of one-day lawful strikes. Subsequently, (b) (6), (b) (7)(C) hours were reduced, (b) (6) was assigned an unreasonable workload, and (b) (6) was disciplined and suspended discriminatorily.

(b) (6), (b) (7)(C) has participated in (b) (6), (b) (7)(C) strikes, on (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C), 2014, (b) (6), (b) (7)(C) 2014, and (b) (6), (b) (7)(C), 2014. Good Jobs Nation delivered notices to McDonald's for each of these strikes, so it was well-known that (b) (6), (b) (7)(C) was actively participating in the campaign. The supervisors were unhappy about the employees' section 7 activities from the start, and (b) (6), (b) (7)(C) even expressed (b) (6), (b) (7)(C) disdain to (b) (6), (b) (7)(C) face. This animus first turned into action against (b) (6), (b) (7)(C) starting in (b) (6), (b) (7)(C) 2014, when managers assigned (b) (6), (b) (7)(C) twice the work that a single employee would normally undertake, and then used this manufactured situation to take disciplinary action against (b) (6), (b) (7)(C). Later, on (b) (6), (b) (7)(C), managers seized an opportunity to selectively enforce a rule against speaking on a phone at

work against (b) (6), (b) (7) while allowing other employees who have not participated in the Good Jobs Nation campaign to flaunt this rule regularly. (b) (6), (b) (7) was disciplined again by (b) (6), (b) (7)(C) under obvious pretext. This time (b) (6), (b) (7) was suspended for (b) (6), (b) (7)(C) which resulted in (b) (6), (b) (7) loss of (b) (6), (b) (7) of work.

On top of these acts of discrimination, (b) (6), (b) (7)(C) refused (b) (6), (b) (7)(C) repeated requests to increase (b) (6), (b) (7) scheduled hours during the (b) (6), (b) (7)(C) has worked for this McDonald's since (b) (6), (b) (7)(C). For the (b) (6), (b) (7)(C) has been scheduled for (b) (6), (b) (7)(C) work. However, this (b) (6), (b) (7)(C) repeatedly requested a return to (b) (6), (b) (7)(C) customary (b) (6), (b) (7)(C) hours and (b) (6), (b) (7)(C) simply refused without reason. Considering how hard (b) (6), (b) (7) has worked at this job—undertaking at times double workload that another employee would have refused—the only credible explanation is that supervisors at McDonald's have lain in wait for opportunities to edge out (b) (6), (b) (7) because of (b) (6), (b) (7) protected activity in the hopes that they can drive (b) (6), (b) (7) away.

Key facts concerning McDonald's unlawful conduct are as follows:

A. McDonald's knew of (b) (6), (b) (7)(C) protected, concerted activities

(b) (6), (b) (7) began working at McDonald's at the Air and Space Museum in (b) (6), (b) (7)(C). (b) (6), (b) (7) became involved in Good Jobs Nation in (b) (6), (b) (7)(C). (b) (6), (b) (7) participated in strikes on (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) 2014. On each of these occasions, notice that (b) (6), (b) (7) was on strike was provided to McDonald's. Copies of the notices for the (b) (6), (b) (7)(C) strike dates have been provided to the Board already, and a copy of the (b) (6), (b) (7)(C) 2014 notice is attached to this position statement as Exhibit A along with proof of delivery in Exhibit B. (b) (6), (b) (7) participated in a rally (not a strike), on (b) (6), (b) (7)(C) in front of the Air and Space Museum which was observed by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C), (b) (7)(D). In (b) (6), (b) (7) 2013, (b) (6), (b) (7)(C) told (b) (6), (b) (7) that the union was (b) (6), (b) (7)(C), (b) (7)(D). There is no doubt that management at McDonald's was aware of (b) (6), (b) (7)(C) active and ongoing involvement with the Good Jobs Nation campaign.

B. McDonald's managers manufactured a crisis as a pretext to issue a disciplinary notice without adequate investigation.

On (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7) was assigned to work the busiest (b) (6), (b) (7)(C) by (b) (6), (b) (7)(C). (b) (6), (b) (7) This job is untenable for a single person. (b) (6), (b) (7)(C), (b) (7)(D), p. 3, (b) (6), (b) (7)(C), (b) (7)(D). (b) (6), (b) (7) repeatedly asked to have another worker assigned to help (b) (6), (b) (7) but (b) (6), (b) (7)(C) denied the request. (b) (6), (b) (7)(C), (b) (7)(D). Instead, they got a worker from another fast food restaurant, one who presumably wasn't trained in this work, to help intermittently. (b) (6), (b) (7) This worker, named (b) (6), (b) (7)(C) was only present for (b) (6), (b) (7) of the rush—the busiest time of the day—and (b) (6), (b) (7)(C) before the rush. (b) (6), (b) (7)(C), (b) (6), (b) (7). At 11:20 am, when (b) (6), (b) (7) was working the (b) (6), (b) (7)(C) alone in the midst of the rush, (b) (6), (b) (7) (b) (6), (b) (7)

approached (b) (6), (b) (7)(C) and ordered (b) (6), (b) (7)(C) to clean the floor. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to assign someone else since (b) (6), (b) (7)(C) was already overworked. Rather than answer (b) (6), (b) (7)(C) gave (b) (6), (b) (7)(C) an angry look and stalked off. (b) (6), (b) (7)(C) must have interpreted this look as a denial of (b) (6), (b) (7)(C) request because (b) (6), (b) (7)(C) cleaned the floor anyway. (b) (6), (b) (7)(C) Later, at about (b) (6), (b) (7)(C) in an effort to keep up with the pace of customer demand, (b) (6), (b) (7)(C) filled the fryer baskets as full as they would go with fries. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) came by and told (b) (6), (b) (7)(C) was putting too many fries into the fryer. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) never saw anyone other than (b) (6), (b) (7)(C) assigned to work the busiest (b) (6), (b) (7)(C) alone for so long. (b) (6), (b) (7)(C), (b) (6), (b) (7)(D)

(b) (6), (b) (7)(C) later, on (b) (6), (b) (7)(C), 2014, (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) a disciplinary warning. (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had been insubordinate to (b) (6), (b) (7)(C). This was a lie, but (b) (6), (b) (7)(C) exhibited no real interest in (b) (6), (b) (7)(C) version of events. (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) write down (b) (6), (b) (7)(C) explanation of the work on (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) did not credit (b) (6), (b) (7)(C) statement and issued a warning. (b) (6), (b) (7)(C) refused to tell (b) (6), (b) (7)(C) exactly what (b) (6), (b) (7)(C) alleged, thus denying (b) (6), (b) (7)(C) any opportunity to truly address (b) (6), (b) (7)(C) claims. (b) (6), (b) (7)(C)

C. McDonald's suspended (b) (6), (b) (7)(C) based on a fabricated infraction

On (b) (6), (b) (7)(C), 2014, (b) (6), (b) (7)(C) was once again assigned to work a (b) (6), (b) (7)(C) alone. (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C) worked until (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) could take a break. (b) (6), (b) (7)(C) affirmed and (b) (6), (b) (7)(C) closed (b) (6), (b) (7)(C) station by taking the fries out of the fryer and turning off the light. (b) (6), (b) (7)(C) then left the kitchen and got in line at the counter with the customers, outside the work area, in order to get (b) (6), (b) (7)(C) lunch, which is a benefit of working for McDonald's. (b) (6), (b) (7)(C) While (b) (6), (b) (7)(C) was in line, (b) (6), (b) (7)(C) mother called (b) (6), (b) (7)(C) phone and they had an emotionally upsetting conversation. (b) (6), (b) (7)(C) lost (b) (6), (b) (7)(C) appetite and decided to take (b) (6), (b) (7)(C) break without eating. (b) (6), (b) (7)(C) then asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) could clean the fryer and go home. (b) (6), (b) (7)(C) approved and (b) (6), (b) (7)(C) did so as fast as (b) (6), (b) (7)(C) could. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) later, on (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) into (b) (6), (b) (7)(C) and asked what happened on (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) didn't understand what (b) (6), (b) (7)(C) was referring to at first, but then guessed that it was about the phone call (b) (6), (b) (7)(C) received, and explained the call to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) then accused (b) (6), (b) (7)(C) of leaving (b) (6), (b) (7)(C) without permission and with fries left in the fryer. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had told (b) (6), (b) (7)(C) this. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that neither were true, and asked (b) (6), (b) (7)(C) to bring (b) (6), (b) (7)(C) into the office and confront (b) (6), (b) (7)(C) with the accusation, but (b) (6), (b) (7)(C) refused. (b) (6), (b) (7)(C) ordered (b) (6), (b) (7)(C) to write down (b) (6), (b) (7)(C) version of events, which (b) (6), (b) (7)(C) did. (b) (6), (b) (7)(C) The next day, (b) (6), (b) (7)(C) suspended (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C), stating that it was because (b) (6), (b) (7)(C) left (b) (6), (b) (7)(C) station without permission and without cleaning it. (b) (6), (b) (7)(C) As a result, (b) (6), (b) (7)(C) missed (b) (6), (b) (7)(C) of work. (b) (6), (b) (7)(C)

Managers tolerate the use of cell phones at work by several employees who are not part of Good Jobs Nation. (b) (6), (b) (7)(C).

D. (b) (6), (b) (7)(C) refused to restore (b) (6), (b) (7)(C) customary (b) (6), (b) (7)(C) schedule during the

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to increase (b) (6), (b) (7)(C) hours (b) (6), (b) (7)(C) times. (b) (6), (b) (7)(C) always ignored the request or refused without stating a reason. (b) (6), (b) (7)(C).

II. APPLICABLE LAW AND DISCUSSION

A. The Board has statutory jurisdiction over McDonald's of the Air and Space Museum

The Board has plenary jurisdiction over enterprises engaged in trade, traffic, or commerce within the District of Columbia. *Westchester Corp.*, 124 NLRB 194, 196 (1959); *M. S. Ginn & Co.*, 114 NLRB 112, 113 (1956); *Catholic University of America*, 201 NLRB 929, 929 n. 3 (1973). Section 2(6) of the Act defines "commerce" as "trade, traffic, commerce, transportation, or communication." 29 U.S.C. § 152(6). As a private business selling fast food in the District of Columbia, McDonald's of the Air and Space Museum falls under the statutory jurisdiction of the Board.

B. The Employer's discipline of (b) (6), (b) (7)(C) is discrimination in violation of Section 8(a)(3) of the Act.

Disciplinary action taken against an employee violated Section 8(a)(3) if the employee's protected activity was a motivating factor in the decision to discipline. *Wright Line*, 251 NLRB 1083 (1980) *enfd.* 662 F.2d. 899 (1st Cir. 1981), *cert. denied* 455 U.S. 989 (1982). An employer may avoid liability by demonstrating that it would have taken the same action even absent the employee's protected conduct. *Id.* However, if the reasons the employer offers to justify its disciplinary action are pretextual, it indicates an illegal motivation. *Golden State Foods Corp.*, 340 NLRB 382, 385 (2003).

1. *The evidence is sufficient to make out a prima facie case*

A *prima facie* case of an 8(a)(3) violation requires 4 things: (1) that the employee engaged in protected activity; (2) that the employer knew of the protected activity; (3) that the employer took adverse action against the employee; and (4) the protected conduct was a motivating factor in the adverse action. *See, e.g., Am. Gardens Mgmt. Co.*, 338 NLRB 644, 645 (2002). In the instant case there is no dispute that (b) (6), (b) (7)(C) engaged in protected activity by striking for better wages and working conditions, and there is no dispute that the Employer was aware of (b) (6), (b) (7)(C) protected activity. Disciplinary action of any kind is adverse, and a suspension is particularly so. Finally, there is enough evidence to demonstrate that the protected conduct was a motivating factor in the adverse action: One of (b) (6), (b) (7)(C), had previously proclaimed anti-union animus; Both disciplinary action arose relating to circumstances designed to place an unusual burden on (b) (6), (b) (7)(C) was assigned the work of two people; In each case, (b) (6), (b) (7)(C) investigations were inadequate and superficial. In short, (b) (6), (b) (7)(C)

cooked up a flimsy pretext to impose discipline. This all suggests that (b) (6), (b) (7)(C) protected activity was a motivating factor in (b) (6), (b) (7)(C) discipline and thus (b) (6), (b) (7)(C) loss of (b) (6), (b) (7)(C) pay.

2. The Employer's proffered justification for disciplining (b) (6), (b) (7)(C) is pretextual

Having made out a *prima facie* case of discrimination, the burden shifts to the Employer to show that it would have taken the same action absent (b) (6), (b) (7)(C) protected activity. This is a burden the Employer fails to meet. McDonald's claims that the disciplinary action on (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was justified because it alleges that (b) (6), (b) (7)(C) placed too many fries in the fryer, despite multiple warnings from (b) (6), (b) (7)(C) and as a result some of the fries went to waste. Additionally, it alleges that (b) (6), (b) (7)(C) was insubordinate to (b) (6), (b) (7)(C) supervisor (b) (6), (b) (7)(C) that day. It claims that the second disciplinary action was justified because (b) (6), (b) (7)(C) allegedly took a break without permission on (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). None of these justifications are credible.

First, consider the (b) (6), (b) (7)(C) discipline. (b) (6), (b) (7)(C) was assigned the work of two people, a task that another employee states (b) (6), (b) (7)(C) would have refused. After (b) (6), (b) (7)(C) objected to this, (b) (6), (b) (7)(C) was granted the assistance of a second employee from another restaurant. Predictably, this employee had to return to (b) (6), (b) (7)(C) other station during the busiest parts of the shift and offered minimal assistance. In the midst of all this, (b) (6), (b) (7)(C) was told to clean the floor as well. It is indisputable that a manager would not assign an employee tasks which could not be completed without an illicit motive. It does the store no good to overwork an employee to the point where (b) (6), (b) (7)(C) cannot keep up with customer demand. Rather, it appears that supervisors at McDonald's attempted to create circumstances that would justify disciplining (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) managed (barely) to keep up with demand at the fry station alone, (b) (6), (b) (7)(C) was ordered to clean the floor as well. When (b) (6), (b) (7)(C) did, ultimately, clean the floor, (b) (6), (b) (7)(C) was written up for insubordination.

Nor is the claim that (b) (6), (b) (7)(C) was insubordinate credible. (b) (6), (b) (7)(C) has credibly denied speaking back to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) investigation of the matter was more of an inquisition. (b) (6), (b) (7)(C) simply took (b) (6), (b) (7)(C) word at face value and then accused (b) (6), (b) (7)(C) of speaking back to (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) denied this (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C) anyway. Even asking (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) version of events seems to have been for show since there appears to have been nothing (b) (6), (b) (7)(C) could have said that would have affected (b) (6), (b) (7)(C) decision. An inadequate or superficial investigation, especially when the employee is not given a meaningful chance to contest allegations of misconduct, is evidence of pretext. *Manorcare Health Services -- Easton*, 356 NLRB No. 39 (2010), *enfd.*, 661 F.3d 1139 (D.C. Cir. 2001); *North Hills Office Services*, 344 NLRB 1083 (2005); *New Orleans Cold Storage Co.*, 326 NLRB 1471 (1998), *enfd.*, 201 F.3d 592 (5th Cir. 2000). Additionally, the reason for this disciplinary warning was shifting. (b) (6), (b) (7)(C) testified that (b) (6), (b) (7)(C) was disciplined for talking back to (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) denied. However, McDonald's later asserted that the discipline was also based on (b) (6), (b) (7)(C) repeatedly ignoring (b) (6), (b) (7)(C) instruction to place fewer fries in the fryer which resulted in waste. Not only has McDonald's not produced evidence accounting for its alleged waste of potatoes, but these shifting justifications for discipline are further evidence that they are pretext for illegal discrimination. *See, e.g., Martech MDI*, 331 NLRB 487 (2000), *enfd.*

6 Fed. Appx. 14 (D.C. Cir. 2001). It is not reasonable to credit McDonald's superficial investigation and shifting justifications. This discipline should be exposed for what it is: a simple fabrication.

The same reasoning reveals (b) (6), (b) (7)(C) suspension to be discriminatory. McDonald's asserts that it suspended (b) (6), (b) (7)(C) for taking a break without asking permission. However, (b) (6), (b) (7)(C) has credibly asserted that (b) (6), (b) (7)(C) was given permission. (b) (6), (b) (7)(C) investigation into this matter is as inadequate as the last, perhaps more so. (b) (6), (b) (7)(C) didn't confront (b) (6), (b) (7)(C) and ask (b) (6), (b) (7)(C) for an explanation until (b) (6), (b) (7)(C) after the alleged incident. As before, (b) (6), (b) (7)(C) "investigation" was simply an accusation without a meaningful opportunity for (b) (6), (b) (7)(C) to explain (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) had apparently already resolved to suspend (b) (6), (b) (7)(C) and did so despite (b) (6), (b) (7)(C) written exception to the action. (b) (6), (b) (7)(C) credibility is further bolstered (and the Employer's further eroded) by the fact that (b) (6), (b) (7)(C) didn't even realize what (b) (6), (b) (7)(C) was being accused of. When (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) what happened on (b) (6), (b) (7)(C) began by talking about a phone call (b) (6), (b) (7)(C) received that day. It didn't occur to (b) (6), (b) (7)(C) until (b) (6), (b) (7)(C) made it explicit that (b) (6), (b) (7)(C) was being accused of leaving (b) (6), (b) (7)(C) station improperly.

3. *The delay between (b) (6), (b) (7)(C) protected activity and McDonald's adverse actions is not sufficient defense to the charge of discrimination*

There is no precise time between protected activity and discipline which can immunize an employer from responsibility under the Act. An adverse action can be discriminatory if it happens 4, 17, or even 18 months after the protected activity. *See, e.g., Datagraphics, Inc.*, 259 NLRB 1285 (1982) (4 month delay between protected activity and retaliation.); *J.P. Stevens & Co., Inc.*, 167 NLRB 258 (1967) (17 month delay between protected activity and retaliation.); *Marcus Mgmt.*, 292 NLRB 251 (1989) (18 month delay between protected activity and retaliation). Indeed, a shrewd employer seeking to circumvent the Act's prohibition on retaliation would likely wait until an opportunity for pretextual discipline arose and then seize it. *See, e.g., Carriage Hill Foods*, 322 NLRB 127 (1996). In this case, (b) (6), (b) (7)(C) elapsed between (b) (6), (b) (7)(C) 2013, when (b) (6), (b) (7)(C) went on strike and (b) (6), (b) (7)(C) 2014, when (b) (6), (b) (7)(C) was issued a warning. (b) (6), (b) (7)(C) after this warning, on (b) (6), (b) (7)(C) 2014, the Employer again disciplined (b) (6), (b) (7)(C) this time suspending (b) (6), (b) (7)(C) and causing (b) (6), (b) (7)(C) to lose (b) (6), (b) (7)(C) of work. Further, consider that (b) (6), (b) (7)(C) was working only (b) (6), (b) (7)(C) for the relevant period, which means that opportunities to fabricate a disciplinary pretext would not come as frequently as with a (b) (6), (b) (7)(C) employee. Above all, when considered in light of the suspicious circumstances surrounding (b) (6), (b) (7)(C) "investigations" leading to these disciplinary actions, and the explicit anti-union bias expressed earlier by a supervisor, it is inappropriate to view the time between these events as dispositive.

C. The Employer's refusal to grant (b) (6), (b) (7)(C) customary (b) (6), (b) (7)(C) hours is discrimination in violation of 8(a)(3)

(b) (6), (b) (7)(C) customarily worked (b) (6), (b) (7)(C) for McDonalds when (b) (6) was (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) in 2014, however, (b) (6), (b) (7)(C) refused or ignored all of (b) (6), (b) (7)(C) requests to have (b) (6), (b) (7)(C) hours increased to (b) (6), (b) (7)(C) remained working approximately (b) (6), (b) (7)(C) per week to the present time. This is tantamount to a reduction in hours, which is of course a violation of the act. Considering the discriminatory discipline taken against (b) (6), (b) (7)(C) this effective reduction in hours was motivated by the same prohibited animus.

III. CONCLUSION

(b) (6), (b) (7)(C) has been disciplined and had (b) (6), (b) (7)(C) hours reduced in retaliation for (b) (6), (b) (7)(C) exercise of rights protected by Section 7 of the Act. As a direct result of the discriminatory discipline (b) (6), (b) (7)(C) was suspended for 3 working days which amounted to a loss of (b) (6), (b) (7)(C) work. Additionally, the Employer's refusal to return (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) customary (b) (6), (b) (7)(C) employment during the (b) (6), (b) (7)(C) means that (b) (6), (b) (7)(C) has been missing (b) (6), (b) (7)(C) every week since (b) (6), (b) (7)(C). McDonalds assertions that these disciplinary actions were justified are obviously pretextual. (b) (6), (b) (7)(C) superficial investigations seem designed not to find the truth but only to provide cover to contravene the protections of the Act. The shifting justifications and inconsistencies as well as the simple singling (b) (6), (b) (7)(C) out by making (b) (6), (b) (7)(C) work the (b) (6), (b) (7)(C) alone appear designed to accomplish two goals: to punish (b) (6), (b) (7)(C) for exercising (b) (6), (b) (7)(C) rights under the Act, and to send a message to other employees that lawful strikes will not be tolerated. (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) who is working hard to make ends meet. (b) (6), (b) (7)(C) has no reason to distort events and (b) (6), (b) (7)(C), (b) (7)(D) is corroborated in many ways by that of (b) (6), (b) (7)(C) no longer even (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and hence has no motive to lie. (b) (6), (b) (7)(C), on the other hand, are treating disciplinary investigations as inquisitions where the outcome is determined before the employee is even approached. They have expressed their disgust for unions in the past and they continue to act in accordance with these beliefs. I urge you to remedy these unfair labor practices.

Thank you for your consideration, and please contact me if you require additional information.

Respectfully submitted,

Benjamin O'Donnell
Good Jobs Nation
1900 L St. NW, Suite 900
Washington, DC 20036

From: [Rosenberg, Joshua D.](#)
To: ["Ben O'Donnell"](#)
Subject: RE: Position Statement for Case 05-CA-131908
Date: Friday, August 22, 2014 9:35:00 AM
Attachments: [image002.jpg](#)
Importance: High

Hi Ben,

Thanks for the position statement. In reading it, some of the information regarding protected activity was inconsistent with the evidence in the file. On July 2, you sent an email with the following statement:

"Attached are exhibits which prove that McDonald's was on notice of (b) (6), (b) (7)(C) participation in (b) (6), (b) (7)(C) **strikes** on (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C), 2013 and (b) (6), (b) (7)(C) 2013. This is the only relevant documentary evidence I currently have in my possession."

However, your position statement says the following:

(b) (6), (b) (7)(C) has participated in (b) (6), (b) (7)(C) **strikes**, on (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C), 2014, (b) (6), (b) (7)(C) 2014, and (b) (6), (b) (7)(C), 2014."

In the course of investigating the case, I learned of the (b) (6), (b) (7)(C) strike. The (b) (6), (b) (7)(C) strike occurred after most of the evidence was collected, hence why it was news to me. Neither the Employer nor (b) (6), (b) (7)(C) ever identified a strike on (b) (6), (b) (7)(C) Do you have evidence that (b) (6), (b) (7)(C) participated?

Regards,

Josh Rosenberg

Board Agent, Region 5
[National Labor Relations Board](#)
Washington, D.C. Resident Office
(202) 208-3053



From: Ben O'Donnell [<mailto:Ben.O'Donnell@changetowin.org>]
Sent: Thursday, August 21, 2014 6:16 PM
To: Rosenberg, Joshua D.
Subject: Position Statement for Case 05-CA-131908

Hi Josh,

Please find Good Jobs Nation's position statement for this case attached.

-Ben

From: Ben O'Donnell
To: Rosenberg, Joshua D.
Subject: RE: Position Statement for Case 05-CA-131908
Date: Friday, August 22, 2014 1:36:38 PM
Attachments: [image001.jpg](#)
[Exhibit I - \(b\) \(6\), \(b\) \(7\)\(C\) Strike Sign In.png](#)
[Exhibit J - Strike Notice \(b\) \(6\), \(b\) \(7\)\(C\) 2014.JPG](#)
[Exhibit K - \(b\) \(6\), \(b\) \(7\)\(C\) Strike Notice Delivery.pdf](#)
[Exhibit L - Strike Notice \(b\) \(6\), \(b\) \(7\)\(C\) 2014.JPG](#)
[Exhibit M - \(b\) \(6\), \(b\) \(7\)\(C\) Notice Delivery.pdf](#)

Hi Josh. I apologize for the oversight. Attached are documents demonstrating (b) (6), (b) (7)(C) participation in all the strikes and McDonald's knowledge of (b) (6), (b) (7)(C) participation in the (b) (6), (b) (7)(C) strikes. For the (b) (6), (b) (7)(C) strike I cannot locate a strike notice at this time, but I have the sign in sheet that the (b) (6), (b) (7)(C) signed on the (b) (6), (b) (7)(C) of the strike showing that (b) (6), (b) (7)(C) signed in.

Exhibit I is the sign in sheet with (b) (6), (b) (7)(C) signature

Exhibit J is the (b) (6), (b) (7)(C) strike notice signed by (b) (6), (b) (7)(C)

Exhibit K is a copy of an email with attached photo documenting delivery of the notice to McDonald's

Exhibit L is the (b) (6), (b) (7)(C) Strike notice signed by (b) (6), (b) (7)(C)

Exhibit M is a copy of an email with attached photo documenting delivery of the notice to McDonald's

-Ben

From: Rosenberg, Joshua D. [mailto:Joshua.Rosenberg@nlrb.gov]
Sent: Friday, August 22, 2014 9:35 AM
To: Ben O'Donnell
Subject: RE: Position Statement for Case 05-CA-131908
Importance: High

Hi Ben,

Thanks for the position statement. In reading it, some of the information regarding protected activity was inconsistent with the evidence in the file. On July 2, you sent an email with the following statement:

"Attached are exhibits which prove that McDonald's was on notice of (b) (6), (b) (7)(C) participation in (b) (6), (b) (7)(C) strikes on (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C), 2013 and (b) (6), (b) (7)(C) 2013. This is the only relevant documentary evidence I currently have in my possession."

However, your position statement says the following:

(b) (6), (b) (7)(C) has participated in (b) (6), (b) (7)(C) strikes, on (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C), 2013, (b) (6), (b) (7)(C) 2013, (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) 2014, and (b) (6), (b) (7)(C), 2014."

In the course of investigating the case, I learned of the (b) (6), (b) (7)(C) strike. The (b) (6), (b) (7)(C) strike occurred after most of the evidence was collected, hence why it was news to me. Neither the Employer nor

(b) (6), (b) (7)(C) ever identified a strike on (b) (6), (b) (7)(C). Do you have evidence that (b) (6), (b) (7) participated?

Regards,

Josh Rosenberg

Board Agent, Region 5
[National Labor Relations Board](#)
Washington, D.C. Resident Office
(202) 208-3053



From: Ben O'Donnell [mailto:Ben.O'Donnell@changetowin.org]

Sent: Thursday, August 21, 2014 6:16 PM

To: Rosenberg, Joshua D.

Subject: Position Statement for Case 05-CA-131908

Hi Josh,

Please find Good Jobs Nation's position statement for this case attached.

-Ben

Name: (b) (6), (b) (7)(C)
Employer: McDonalds-Smithson, 560
Cell: (b) (6), (b) (7)(C) Home: (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)
Next Shift:

Signature

(b) (6), (b) (7)(C)

Strike Notice: W9:
X



(b) (6), (b) (7)(C)

REBUILD THE AMERICAN DREAM

Washington, DC 20006

EMPLOYER:

McDonald's

DATE: (b) (6), (b) (7)(C), 2014

LOCATION:

Smithgana

TO: The management and ownership of this business

FROM: Your employees

FROM: Your employees

This is to notify you that on (b) (6), (b) (7)(C) 2014, we are going ON STRIKE to demand better wages and benefits, and to insist that our legal right to join together to improve our employment conditions is respected.

This is a lawful, peaceful, (b) (6), (b) (7)(C) strike. We will return to work unconditionally for our next scheduled shift starting after 12:01 a.m. on (b) (6), (b) (7)(C) 2014. Federal law prohibits you from firing, discriminating, or retaliating against us for joining together to improve our jobs and for mutual aid and protection.

We are sick and tired of working hard for poverty-level wages that do not allow us to afford decent housing, provide for our families and take care of our health and other basic needs.

Name _____

Signature _____

(b) (6), (b) (7)(C)

Ben O'Donnell

From: (b) (6), (b) (7)(C)
Sent: (b) (6), (b) (7)(C), 2014 (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Subject: Smithsonian
Attachments: photo.JPG; ATT00001.c

AS

(b) (6), (b) (7)(C)

GOOD JOBS NATION!

★ ★ ★ **AMERICA WORKS**

★ ★ ★ **THE AMERICAN DREAM**

★ ★ ★ **WORKERS' RIGHTS**

★ ★ ★ **REBUILD THE AMERICAN DREAM**

GOOD JOBS NATION

1629 K Street NW, Ste 300

Washington, DC 20006

EMPLOYER: *McDonald's*

LOCATION: *Air & Space Museum
Smithsonian*

DATE: _____ 2014

TO: The management and ownership of this business

FROM: Your employees

This is to notify you that on _____, 2014, we are going ON STRIKE to demand better wages and benefits, and to insist that our legal right to join together to improve our employment conditions is respected.

This is a lawful, peaceful, (b)(6)(b)(7)(C) strike. We will return to work unconditionally for our next scheduled shift starting after 12.01 a.m. on _____ 2014. Federal law prohibits you from firing, discriminating, or retaliating against us for joining together to improve our jobs and for mutual aid and protection.

We are sick and tired of working hard for poverty-level wages that do not allow us to afford decent housing, provide for our families and take care of our health and other basic needs.

(b) (6), (b) (7)(C)

Ben O'Donnell

From: (b) (6), (b) (7)(C) [REDACTED]@seiu.org]
Sent: (b) (6), (b) (7)(C) 2014 (b) (6), (b) (7)(C) [REDACTED]
To: (b) (6), (b) (7)(C) [REDACTED]
Subject: Fwd:
Attachments: photo 1.JPG; photo 2.JPG; photo 3.JPG; photo 4.JPG

Hi (b) (6), (b) (7)(C) [REDACTED]

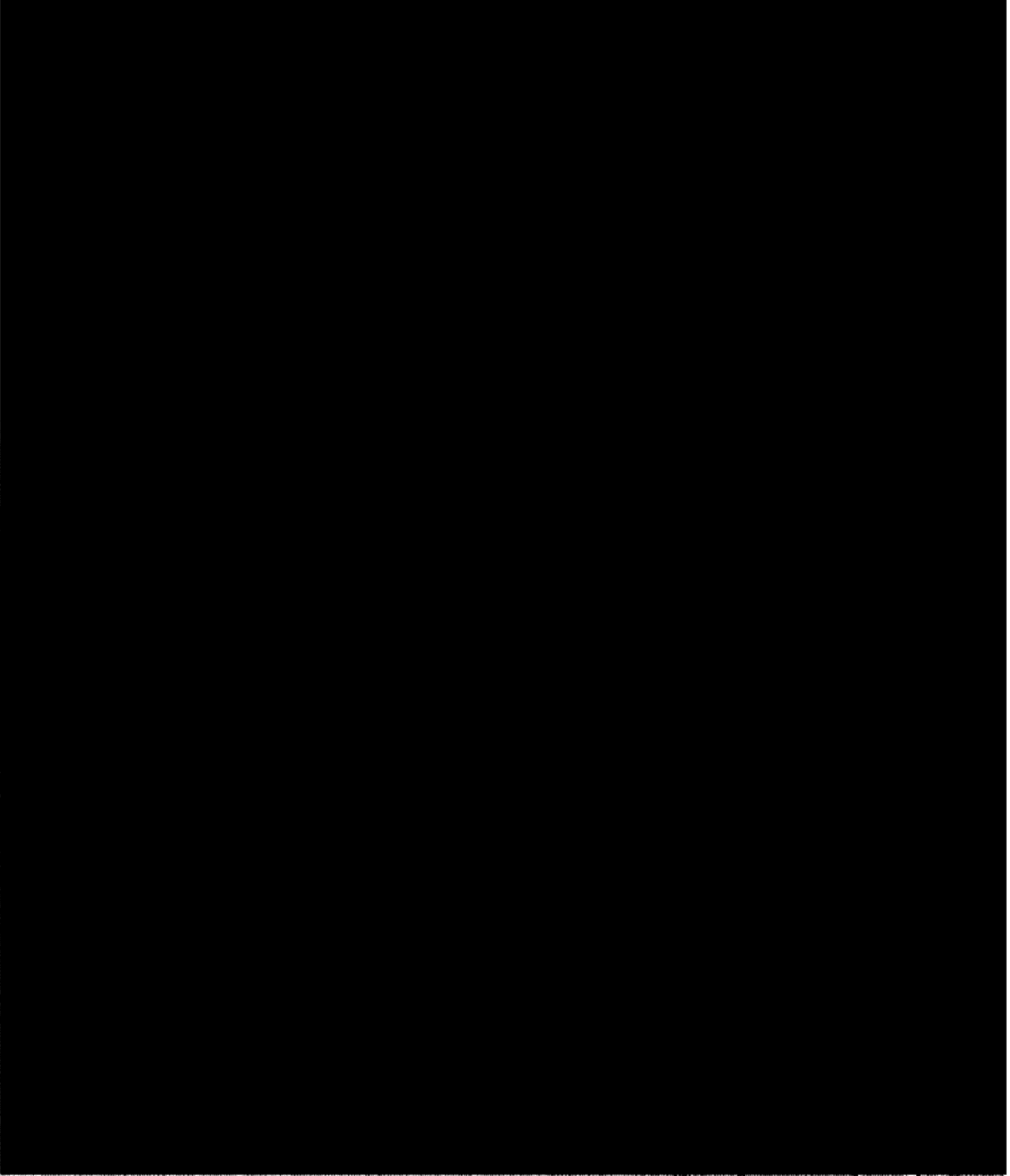
Here is (b) (6), (b) (7)(C) [REDACTED] delivering the notices to McDonalds in Air & Space (b) (6), (b) (7)(C) [REDACTED] and (b) (6), (b) (7)(C) [REDACTED] in Ronald Reagan
(about (b) (6), (b) (7)(C) [REDACTED])

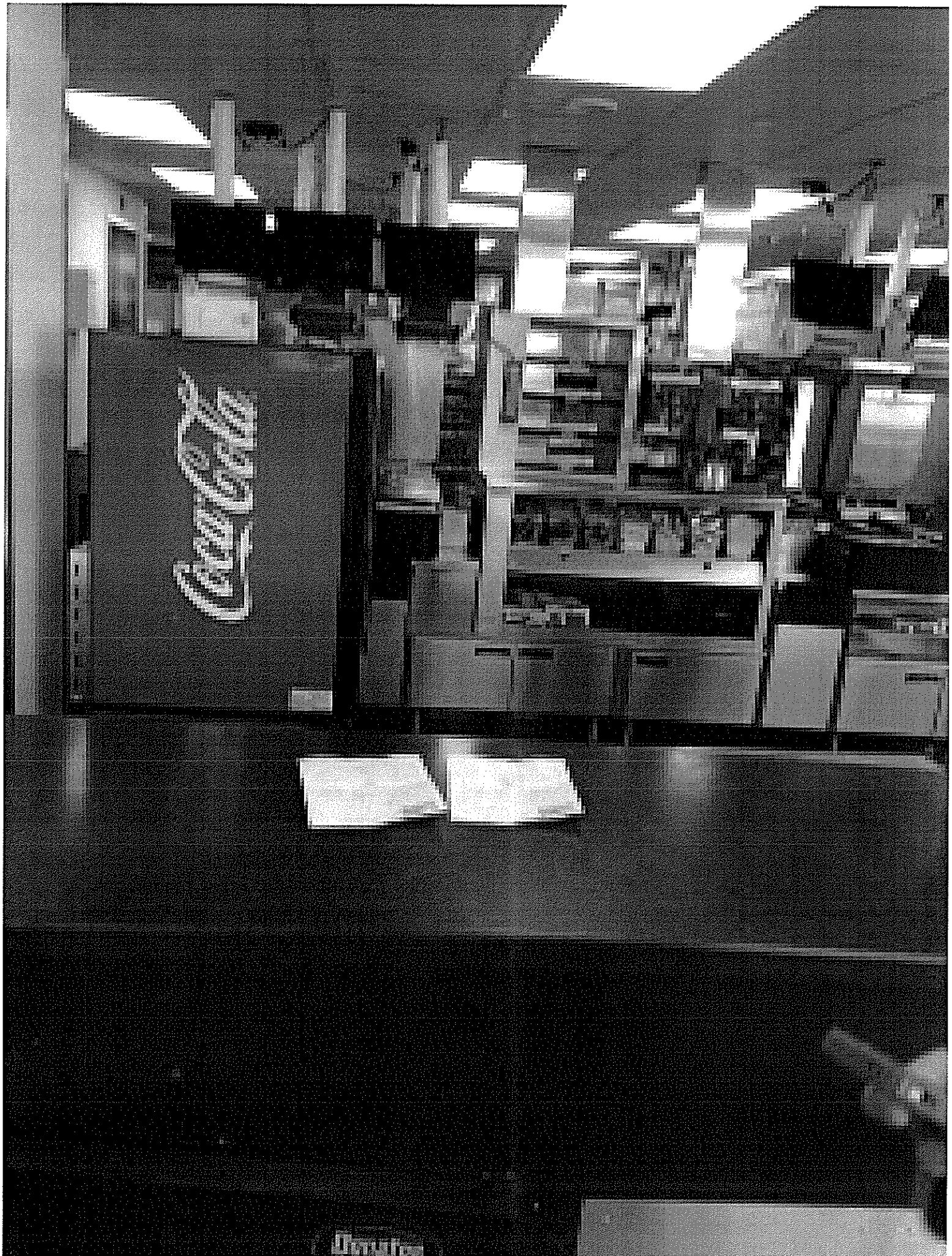
Thanks,

(b) (6), (b) (7)(C) [REDACTED]

Sent from my iPhone

(b) (6), (b) (7)(C)





From: [Smith III, David](#)
To: [Chambers, John](#); [Clark, Cathy D.](#)
Cc: [Smith III, David](#); [Leonard, Stephanie M.](#)
Subject: FW: FIR.05-CA-131908.chain approving-Partial-Withdrawal
Date: Friday, August 29, 2014 3:36:19 PM
Importance: High

Letters Issued

V/R,

David Smith

National Labor Relations Board
Region 5, Baltimore

"The beauty of the world has two edges, one of laughter, one of anguish, cutting the heart asunder."

From: Mitchell, Waynetta
Sent: Friday, August 29, 2014 3:27 PM
To: Smith III, David
Subject: FW: FIR.05-CA-131908.chain approving-Partial-Withdrawal

Here you go David! Issue for Stephanie.

Thank you

From: Posner, Charles
Sent: Friday, August 29, 2014 3:23 PM
To: Wilkins, Charlene E.
Cc: Shuster, Steven L.; Chambers, John; Leonard, Stephanie M.; Mitchell, Waynetta
Subject: RE: FIR.05-CA-131908.chain approving-Partial-Withdrawal

In light of the additional attorneys having withdrawn their appearances, I approve issuance of this letter.

From: Wilkins, Charlene E.
Sent: Friday, August 29, 2014 2:26 PM
To: Posner, Charles
Cc: Shuster, Steven L.; Chambers, John; Leonard, Stephanie M.
Subject: FW: FIR.05-CA-131908.chain approving (b) (5)
Importance: High

(b) (5) is ready for final approval.

From: Leonard, Stephanie M.
Sent: Friday, August 29, 2014 1:46 PM
To: Wilkins, Charlene E.
Subject: FIR.05-CA-131908.chain approving (b) (5)

The above case is ready for approval.

From: Mitchell, Waynetta
Sent: Friday, August 29, 2014 1:46 PM
To: Leonard, Stephanie M.
Subject: RE: FIR.05-CA-131908.chain approving (b) (5)

Stephanie,

I have proofed your (b) (5) letter for 05-CA-131908 and it is ready for approval.

Thanks,
Waynetta

From: Leonard, Stephanie M.
Sent: Friday, August 29, 2014 12:26 PM
To: Mitchell, Waynetta
Subject: FIR.05-CA-131908.chain approving (b) (5)
Importance: High

The above case is ready for proofing. (Walking over envelopes)

From: Chambers, John
Sent: Friday, August 29, 2014 12:17 PM
To: Leonard, Stephanie M.
Cc: Clark, Cathy D.; Wilkins, Charlene E.
Subject: FW: Disposition Chain (b) (5) Case 05-CA-131908 McDonald's of Air and Space Museum
Importance: High

Hi Stephanie,

Please process this (b) (5) and forward this e-mail chain to Charlene when the letter is in NxGen and ready for approval. Also, please send Catherlena and me an e-mail when the letters have been placed in the day's outgoing mail. Thanks!

Cheers!

John M. Chambers
Office Manager
National Labor Relations Board, Region 5

From: Wilkins, Charlene E.
Sent: Friday, August 29, 2014 12:13 PM
To: Chambers, John
Cc: Shuster, Steven L.
Subject: FW: Disposition Chain (b) (5) Case 05-CA-131908 McDonald's of Air and Space Museum
Importance: High

(b) (5) is ready to be processed.

From: Shuster, Steven L.
Sent: Friday, August 29, 2014 10:23 AM
To: Wilkins, Charlene E.
Cc: Kalaris, Mark
Subject: FW: Disposition Chain (b) (5) Case 05-CA-131908 McDonald's of Air and Space Museum
Importance: High

This (b) (5) is approved. As Brenda is out we need to do the letter.

From: Kalaris, Mark
Sent: Friday, August 29, 2014 10:19 AM
To: Shuster, Steven L.
Subject: FW: Disposition Chain (b) (5) Case 05-CA-131908 McDonald's of Air and Space Museum
Importance: High

This (b) (5) is ready for review and processing. **PLEASE NOTE THE LETTER MUST BE DRAFTED AND ISSUED FROM BRO BECAUSE BRENDA IS OUT**

From: Rosenberg, Joshua D.

Sent: Friday, August 29, 2014 10:06 AM

To: Kalaris, Mark

Subject: Disposition Chain (b) (5) Case 05-CA-131908 McDonald's of Air and Space Museum

(b) (5)

Case Name: McDonald's of Air and Space Museum
Case No.: 05-CA-131908
Agent: Field Examiner JOSHUA D. ROSENBERG

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
7/2/14	Benjamin O'Donnell	(847) 710-7399	<p>At 9:06 a.m. I called to introduce myself. (b) (6), (b) (7)(C) is the only witness whom he would like to present at this time. (b) (5), (b) (6), (b) (7)(C)</p> <p>[REDACTED]</p> <p>At 10:15 a.m., he called to confirm (b) (6), (b) (7)(C) for a (b) (6), (b) (7)(C). He said that (b) (6), (b) (7)(C) would only be available (b) (6), (b) (7)(C). I told him that that was unlikely to be sufficient time, and that the worst-case scenario was that (b) (6), (b) (7)(C) would have to return to complete the affidavit.</p>
7/2/14	Daniel Bordoni	(202) 739-5249 and email	<p>He had represented the Employer in another case for this unit, which I had handled. I sent him an email with a copy of the charge, asking for him to confirm whether he was still representing the Employer. Coincidentally, he had just left a voicemail saying he represented the Employer in this matter, and requested an electronic version of the charge. I left him a message at 1:35 p.m. requesting a preliminary position on the charge.</p>
7/2/14	O'Donnell	Email	<p>I sent him a confirmation for (b) (6), (b) (7)(C) appointment. He replied with evidence of the Employer's knowledge of (b) (6), (b) (7)(C) protected activity, and said that he does not have the other evidence I requested in my confirmation letter.</p>

Date	Person Contacted	Method of Contact	Description of Contact or Activity
(b) (6), (b) (7)(C) /14	(b) (6), (b) (7)(C)	In person	(b) (6), (b) (7)(C), (b) (7)(D) As predicted, (b) (6), (b) (7)(C) had to leave at (b) (6), (b) (7)(C). We tentatively scheduled a follow-up appointment for (b) (6), (b) (7)(C).
7/7/14	O'Donnell	Email	I sent him a reminder of (b) (6), (b) (7)(C) appointment for tomorrow. He replied to confirm.
7/7/14	Doreen Davis	(212)326-3833	She e-filed a NOA. I called at about 3:30 p.m. and told her that Bordoni had already informed me that he was representing the Employer. She said she would sort it out on her end and get back to me.
(b) (6), (b) (7)(C)	O'Donnell	Phone	He called at about 9:03 a.m. to say that (b) (6), (b) (7)(C) had overslept and wished to reschedule. I proposed that (b) (6), (b) (7)(C) come (b) (6), (b) (7)(C) instead, and if (b) (6), (b) (7)(C) said no, then we would talk about rescheduling. He called back shortly thereafter and said that (b) (6), (b) (7)(C) would come (b) (6), (b) (7)(C) (C). Later O'Donnell sent an email with evidence and arguments.
7/9/14	O'Donnell	Phone	I called at about 9:19 a.m. to acknowledge receipt of his email and (b) (5), (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)
7/9/14	Bordoni	Phone	I left a message with his (b) (6), (b) (7)(C) at about 9:26 a.m. I asked (b) (6), (b) (7)(C) to let him know about the NOAs that attorneys at Jones Day submitted, and I asked that he call me back to determine whether he was still representing the Employer.

7/9/14 At about 12:49 p.m. I left a message with Davis's (b) (6), (b) (7)(C) asking for an update about whether Davis would be representing the Employer. I left the case number, my name, and my number.

At about 2:15 p.m. I left to attend RD Posner's installation ceremony. While I was gone, I received a message from Davis saying that Jones Day would be withdrawing its NOAs. I also received a message from Bordoni saying he would look into the matter and to get back to him.

7/10/14 At about 8:58 a.m. I left a message with Bordoni's (b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C) to tell him that Jones Day is going to be withdrawing its NOAs.

At 9:01 a.m. I left Davis a message confirming receipt of her message, and telling her that I would be dealing with Dan Bordoni from now on.

7/11/14 (b) (6), (b) (7)(C) from Jones Day, left a message asking how to formally withdraw NOAs. (212) 901-7671. (b) (5)

At about 10:03 a.m. I left a message for (b) (6), (b) (7)(C) letting (b) (6), (b) (7)(C) know that it will be necessary to state the withdrawal of the NOAs in writing. I provided my email and the BRO fax number.

I then sent Bordoni an email requesting that he formally enter a NOA, with the form attached to the email.

7/14/14 On annual leave.

7/15/14 Bordoni responded to my email saying he would enter a NOA. He then did.

Adobea sent a formal letter withdrawing thing Jones Day NOAs.

At 9:04 a.m. Bordoni called to mention that he had entered his NOA, and to ask for an extension of time of two weeks. I granted him a one-week extension and told him that if he still needed time toward the end of that window, to call me. He wanted to know more about the theory of the protected activity in the case. I told him that (b) (5), (b) (6), (b) (7)(C)

7/17/14 O'Donnell sent an email with a substantive update. I called him at 3:47 p.m. and said that I would prefer to be updated on all of the information as soon as he has it, rather than all at once later on. I also requested that he provide (b) (6), (b) (7)(C) availability, as well as the aspects of the case that (b) (6), (b) (7)(C) would corroborate. He said that he would be sending an email with the elements of (b) (6), (b) (7)(C), (b) (7)(D) that would have to be updated for factual accuracy, and that he would provide me with (b) (6), (b) (7)(C) bank statements as they become available. He later sent another email with some of the updates alluded to in the earlier email.

7/24/14 O'Donnell sent an email asking if I wanted to take an affidavit from (b) (6), (b) (7)(C) and when an appropriate time to submit a position statement would be. I called back at about 1:50 p.m. and told him that if he chose to submit a position statement, I would need it by mid-August. I also said to provide (b) (6), (b) (7)(C) availability for an affidavit. I informed him that I would be on vacation for much of the first half of August. The other potential witness referenced by O'Donnell in a recent email, (b) (6), (b) (7)(C), is not returning O'Donnell's calls.

7/28/14 At 10:50 a.m. I called O'Donnell to let him know that I had been assigned another McDonald's case. In addition to speaking about that case, I asked if he had an update on the availability of the witnesses for the instant case. He did not. I informed him that I would be going on vacation for the first couple of weeks of August. I said that July 31 and August 5 work best for me, but that if the witnesses cannot make those dates, then I could arrange to have another Board agent assist.

At 11:50 a.m. Bordoni left a message asking for a two-day extension on the position statement. At 12:32 p.m. I called and granted him the extension.

I sent O'Donnell an email to confirm (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) /14 (b) (6), (b) (7)(C), (b) (7)(D) . O'Donnell dropped (b) (6), (b) (7)(C) off, and said that at this time, Good Jobs Nation does not intend to file a charge on behalf of (b) (6), (b) (7)(C). I called O'Donnell at about 5:10 p.m. to discuss this charge and 05-CA-133497. He does not have any additional evidence to present at this time, but he's working on a position statement.

8/1/14 through 8/13/14 On annual leave, with the exception of 8/5.

8/1/14 The Employer submitted a position statement.

8/5/14 At 6:13 p.m. I called O'Donnell, whom I had expected to see in connection with his witness earlier for Case 05-CA-133497. I informed him that the Employer's defense warranted a rebuttal from (b) (6), (b) (7)(C) and that it could result in having (b) (6), (b) (7)(C) return for an affidavit. I told him that after I returned from vacation on 8/14, I would call him to formally relay the Employer's claims.

8/6/14 The Employer submitted payroll records to supplement its position statement.

(b) (6), (b) (7)(C) /14 At 2:55 p.m. I called (b) (6), (b) (7)(C) and we scheduled a phone rebuttal session for (b) (6), (b) (7)(C) /14. I told (b) (6), (b) (7)(C) that based on the rebuttal, it could be necessary for (b) (6), (b) (7)(C) to return to the office for (b) (6), (b) (7)(C), (b) (7)(D).

(b) (6), (b) (7)(C) /14 O'Donnell sent an email requesting an opportunity to rebut the Employer's claims.

At (b) (6), (b) (7)(C) I spoke to (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) rebuttal opportunity. See MMZ to the file.

At 11:31 a.m. I called O'Donnell and relayed the basics of the Employer's defense. He said that he would strive to provide a PST by 8/22. He will try to provide additional evidence and witnesses, but he suspects that he will be unable to do so.

8/21/14 At 2:55 p.m. I called O'Donnell to ask for an update on whether he was going to submit a position statement. He said he should have it in by tomorrow morning. I asked if he intended to present any additional witnesses, and he said no.

(b) (6), (b) (7)(C) /14 O'Donnell submitted a position statement last night. Noticing that it contained the first mention of (b) (6), (b) (7)(C) participation in a (b) (6), (b) (7)(C) strike, I sent an email inquiring about this. He replied apologizing for the oversight, and providing evidence that allegedly establishes

(b) (6), (b) (7)(C) participation in that strike. However, it is not clear that the evidence provided demonstrates that there was a (b) (6), (b) (7)(C) strike, let alone that (b) (6), (b) (7)(C) participated in it.

At (b) (6), (b) (7)(C) I called (b) (6), (b) (7)(C) and I informed him that (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

8/25/14 An agenda was held today, (b) (5)

[REDACTED]

8/28/14 At about 3:50 p.m. I called O'Donnell to communicate the Regional determination. I also gave him his disposition options. He said he would need a day or two to get back to me. I told him that it would default to long-form if he didn't get back to me sooner rather than later.

8/29/14 At 9:49 a.m. I left a message for O'Donnell requesting an update as to how he would like to dispose of the case. I reminded him that it would default to long-form dismissal. He called back at 10:05 a.m. and requested withdrawal.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, STE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

September 2, 2014

Daniel B. Bordoni, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004-2541

Re: McDonald's of Air and Space Museum
Case 05-CA-131908

Dear Mr. Bordoni:

This is to advise you that I have approved the withdrawal of the charge in the above matter. The letter issued on August 29, 2014 regarding your full withdrawal inadvertently was drafted as a partial. This full withdrawal letter supersedes the letter previously issued.

Very truly yours,

/s/ Charles L. Posner

Charles L. Posner
Regional Director

cc: (b) (6), (b) (7)(C)
McDonald's of Air and Space Museum
6th Street and Independence Avenue
Washington, DC 20560-0001

Benjamin O'Donnell, Esq.
Good Jobs Nation
1900 L Street, N.W., Suite 900
Washington, DC 20036